

## Assembly Bill No. 1249

### CHAPTER 393

An act to amend Section 1202 of the Public Utilities Code, relating to public utilities.

[Approved by Governor September 29, 2001. Filed  
with Secretary of State October 1, 2001.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1249, Daucher. Railroad crossings: pilot projects.

Existing law requires that an audible warning device be sounded from a locomotive engine at least 1,320 feet before the intersection of the railroad and a street, road, or highway, with certain exceptions. Existing law imposes a civil fine on a railroad corporation that violates this provision and makes it a misdemeanor for a person in charge of a locomotive engine to fail to sound the warning. Existing law authorizes the commission to authorize on an application by application basis, and supervise, the operation of pilot projects to evaluate proposed crossing warning devices or new technology, and states the intent of the Legislature that the commission may authorize pilot projects to test the utility and safety of stationary, automated audible warning devices in the communities of Roseville and Lathrop.

This bill would also authorize the commission to authorize pilot projects to evaluate other additional safety measures. The bill would modify the statement of legislative intent to include pilot projects to test the utility and safety of stationary, automated audible warning devices in additional specified communities and in any other location determined to be suitable by the commission, and to authorize, until January 1, 2003, supplementary safety measures, as defined, for use on rail crossings.

*The people of the State of California do enact as follows:*

SECTION 1. Section 1202 of the Public Utilities Code is amended to read:

1202. The commission has the exclusive power:

(a) To determine and prescribe the manner, including the particular point of crossing, and the terms of installation, operation, maintenance, use, and protection of each crossing of one railroad by another railroad or street railroad, and of a street railroad by a railroad, and of each

crossing of a public or publicly used road or highway by a railroad or street railroad, and of a street by a railroad or of a railroad by a street.

(b) To alter, relocate, or abolish by physical closing any crossing set forth in subdivision (a).

(c) To require, where in its judgment it would be practicable, a separation of grades at any crossing established and to prescribe the terms upon which the separation shall be made and the proportions in which the expense of the construction, alteration, relocation, or abolition of crossings or the separation of grades shall be divided between the railroad or street railroad corporations affected or between these corporations and the state, county, city, or other political subdivision affected.

(d) (1) To authorize on an application-by-application basis and supervise the operation of pilot projects to evaluate proposed crossing warning devices, new technology, or other additional safety measures at designated crossings, with the consent of the local jurisdiction, the affected railroad, and other interested parties, including, but not limited to, represented railroad employees.

(2) The Legislature finds and declares that for the communities of the state that are traversed by railroads, there is a growing need to mitigate train horn noise without compromising the safety of the public. Therefore, it is the intent of the Legislature that the commission may authorize both of the following pilot projects, after an application is filed and approved by the commission:

(A) To test the utility and safety of stationary, automated audible warning devices as an alternative to trains having to sound their horns as they approach highway-rail crossings in the communities of Roseville, Fremont, Newark, and Lathrop, and in any other location determined to be suitable by the commission.

(B) To authorize supplementary safety measures, as defined in Section 20153(a)(3) of Title 49 of the United States Code, for use on rail crossings. No new pilot project may be authorized after January 1, 2003. The commission shall report to the Legislature by March 31, 2004, on the outcome of this pilot project.

(3) In light of the pending proposed ruling by the Federal Railroad Administration on the use of locomotive horns at all highway-rail crossings across the nation, it would be in the best interest of the state for the commission to expedite the pilot projects authorized under paragraph (2) in order to contribute data to the federal rulemaking process regarding the possible inclusion of stationary, automated warning devices as a safety measure option to the proposed federal rule.

